



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

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CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

October 24, 2012

Agenda Item 1

SUBJECT: Birch Heights Professional Condominiums Minor Use Permit
(PA2012-112)
▪ Minor Use Permit No. UP2012-019

LOCATION: 20311 SW Birch Street

APPLICANT: Aliece Pickett

PLANNER: Kay Sims, Assistant Planner
(949) 644-3237 or ksims@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** SP-7, BP (Santa Ana Specific Plan, Business Park Area)
- **General Plan:** CO-G (General Commercial Office)

PROJECT SUMMARY

A Minor Use Permit to amend UP2005-024 (PA2005-111) to increase the square footage allowed for medical office use from 5,000 square feet to 14,150 square feet within the existing five building, 45,750-square-foot, office-condominium development. Parking will be provided consistent with Zoning Code requirements.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. ____ approving Minor Use Permit No. UP2012-019 (Attachment No. ZA 1).

DISCUSSION

- The subject site is located within an existing office complex located between Birch and Acacia Streets. The site and neighboring properties are located in the Business Park land use area within the Santa Ana Heights Specific Plan District (SP-7, BP), which allows medical office uses with approval of a minor use permit.
- The subject site is located in the General Commercial Office (CO-G) designation of the General Plan, which provides for the development of various office-uses, including medical office uses.
- The property is an office complex consisting of five, two-story buildings constructed in a “U-shape” around an open area facing Birch Street. The floors of the buildings (10) are individually owned office-condominiums. Each floor consists of approximately 4,575-net-square-feet of floor area (total 45,750 net square feet). Pursuant to Use Permit No. UP2005-024 (PA2005-111), approved in 2005, the second floor of the property located at 20311 SW Birch Street (5,000 gross square feet) is currently used for medical office use. The remaining office-condominiums are currently general office uses. Parking is provided within shared parking areas below each building and within the open area of the “U-shape” facing Birch Street. There are currently 189 parking spaces existing on the site.
- Pursuant to Table 3-10: Off-Street Parking Requirements of the Zoning Code, the additional 9,150-net-square-feet of floor area requested is equal to 20 percent of the net square footage of floor area of the five building, office-condominium complex that may be used for medical office use. Of this total, 4,575-net-square-feet of floor area would be allocated to the first floor office-condominium located at 20311 SW Birch Street. The remaining 4,575-net-square-feet of floor area would be allowed within any of the office-condominiums located in the office complex. All parking will be provided on-site consistent with the requirements of Zoning Code.

USE	FLOOR AREA	PARKING SPACES
Per Zoning Code: 1st 50,000 net sf: 20% medical office (applicant's request)	<u>9,150</u> net sf	
+general office	+ <u>31,600</u> net sf 40,750 net sf	<u>163</u> (1/250 net sf)
Medical office over 20% (UP2005-024)	+ 5,000 gross sf	+ <u>25</u> (1/200 gross sf)
TOTAL		188 required (189 existing)

- Per the City's Traffic Engineer, the project would not result in the need for a TPO because it would result in fewer than 300 new daily trips.

ENVIRONMENTAL REVIEW

This project qualifies for Class 1 (Existing Facilities) categorical exemption, Section 15301 of the California Environmental Quality Act. It would allow a minor change in use from general office use to medical office use within an existing office-condominium development, and could involve issuance of building permits for interior tenant improvements.

PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days prior to the decision date, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD: An appeal may be filed with the Director of Community Development within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Prepared by:



Kay Sims, Assistant Planner

GR/ks

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Use Permit UP2005-024/TI Building Plans
	ZA 3	Project Plans

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2012-0##

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2012-019 TO AMEND UP2005-024 (PA2005-111) TO INCREASE THE SQUARE FOOTAGE ALLOWED FOR MEDICAL OFFICE USE FROM 5,000 SQUARE FEET TO 14,150 SQUARE FEET WITHIN THE EXISTING FIVE-BUILDING, OFFICE-CONDOMINIUM DEVELOPMENT LOCATED AT 20311 SW BIRCH STREET. PARKING PROVIDED WILL BE CONSISTENT WITH ZONING CODE REQUIREMENTS. (PA2012-112)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Aliece Pickett, with respect to property located at 20311 SW Birch Street, and legally described as Parcel 1 of Parcel Map 89-341, as recorded in Book 268, Page 37 requesting approval of a Minor Use Permit.
2. The property is an office complex consisting of five, two-story buildings constructed in a "U-shape" around an open area facing Birch Street. The floors of the buildings (10) are individually owned office-condominiums. Each floor consists of approximately 4,575-net-square-feet of floor area (total 45,750 net square feet). Pursuant to Use Permit No. UP2005-024 (PA2005-111), approved in 2005, the second floor of the property located at 20311 SW Birch Street (5,000 gross square feet) is currently used for medical office use. The remaining office-condominiums are currently general office uses. Parking is provided within shared parking areas below each building and within the open area of the "U-shape" facing Birch Street. There are currently 189 parking spaces existing on the site.
3. The applicant proposes a Minor Use Permit to amend UP2005-024 (PA2005-111) to increase the square footage allowed for medical office use from 5,000 square feet to 14,150 square feet within the existing five building, office-condominium complex. Parking provided will be consistent with Zoning Code requirements.
4. Pursuant to Table 3-10: Off-Street Parking Requirements of the Zoning Code, the additional 9,150-net-square-feet of floor area requested is equal to 20 percent of the net square footage of floor area of the five building, office-condominium complex that may be used for medical office use.
5. Of this total, 4,575-net-square-feet of floor area would be allocated to the first floor office-condominium located at 20311 SW Birch Street. The remaining 4,575-net-square-feet of floor area would be allowed within any of the office-condominiums located in the office complex. All parking will be provided on-site consistent with the requirements of Zoning Code.

6. The subject property is located within the Santa Ana Heights Specific Plan, Business Park (SP-7, BP) Zoning District and the General Plan Land Use Element category is General Commercial Office (CO-G).
7. The subject property is not located within the coastal zone.
8. A public hearing was held on October 24, 2012 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION

1. The subject project qualifies for Class 1 (Existing Facilities) categorical exemption, Section 15301 of the California Environmental Quality Act.
2. The project would allow a minor change in use from general office use to medical office use within an existing, office-condominium development. The change could involve issuance of building permits for interior tenant improvements requiring minimal construction.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020F of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

A. The use is consistent with the General Plan and any applicable specific plan

Facts in Support of Finding:

1. The office-condominium complex has a General Plan land use designation of General Office Commercial (CO-G) which is intended to provide for administrative, professional, and medical offices with limited accessory retail and service use. The change of use from general office to medical office use is consistent with this designation.
2. The site is located in the Santa Ana Heights Specific Plan District within the Business Park area (SP-7, BP). Medical office uses are allowed within this area with approval of minor a use permit.

Finding:

B. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.

Facts in Support of Finding:

1. Medical office uses are allowed within the Business Park area of the Santa Ana Heights Special Plan District (SP-7, BP) with approval of a minor use permit.
2. In 2005, Use Permit UP2005-024 was approved to allow 5,000-gross-square-feet of medical office uses within the 45,750-net-square-foot, office-condominium complex. The proposed minor use permit would allow an additional 20 percent (9,150 net square feet) to be used for medical office purposes.
3. Parking for the five building, office-condominium development is provided within shared parking areas on the site. The existing lots provide 189 parking spaces, which is adequate to accommodate the additional medical office use square footage requested.

Finding:

C. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.

Facts in Support of Finding:

1. The subject site is located in the Business Park (BP) area of the Santa Ana Heights Specific Plan District (SP-7) between Birch and Acacia Streets. Medical office uses are allowed in this area with approval of a minor use permit. Development on the subject site and surrounding properties consist of office buildings developed for various office uses.
2. The additional square footage of medical office use is similar in operation to those permitted with approval of UP2005-024 and currently existing on the site. The design of the buildings and site provides adequate access and parking spaces to accommodate the increase to the medical office use square footage.

Finding:

D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.

Facts in Support of Finding:

1. The subject site is located between Birch and Acacia Streets in the Business Park area of the Santa Ana Heights Specific Plan District. The surrounding area consists of properties developed for various office uses.
2. The site consists of five, two-story buildings developed as office-condominiums. The buildings are constructed on the site in a "U-shape" with the opening in the "U" facing

Birch Street. Parking spaces are located below each building and also within the opening of the "U". Adequate parking and access to accommodate the additional square footage for medical office uses is provided.

3. Tenant improvements to the existing general office space will require a building permit. All Fire and Building Code regulations will be verified during the plan check process.
4. There is adequate access to development on the site for fire and medical emergency vehicles.

Finding:

E. The Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

1. The increase in the square footage of medical office uses proposed fits well with the existing medical and general office uses on the site and in the surrounding vicinity.
2. There is adequate parking existing on the site to accommodate the increased medical office use square footage. Adequate access to the site for emergency vehicles is provided from Birch Street. Access to the second floor of the five buildings is provided via ramps and an elevator.
3. Any tenant improvements to accommodate the increased medical use will be minor in nature and will not impact the overall operation of the existing general office and medical office uses on the site.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2012-019, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
3. This resolution supersedes Use Permit UP2005-024, which upon vesting of the rights authorized by Minor Use Permit No. UP2012-019 (PA2012-112) shall become null and void.

PASSED, APPROVED AND ADOPTED THIS 24TH DAY OF OCTOBER, 2012.

Brenda Wisneski, AICP, Zoning Administrator

DRAFT

EXHIBIT "A"**CONDITIONS OF APPROVAL****PLANNING**

1. This approval supersedes Use Permit No. UP2005-024 (PA2005-111). The maximum square footage devoted to medical use shall not exceed 14,150 square feet of medical office use within the 5-building, office-condominium development unless an amendment to this Use Permit is approved.
2. The second floor office-condominium located at 20311 SW Birch Street (5,000 gross square feet) shall be allowed for medical office uses, as previously approved. The additional 9,150-net-square-feet of floor area approved for medical office use shall be allocated as follows: 4,575-net-square-feet of floor area to the first floor office-condominium located at 20311 SW Birch Street. The remaining 4,575-net-square-feet of floor area shall be allowed within any of the office-condominiums located in the five-building office complex.
3. Prior to issuance of building permits or approval of a business license for medical office use within this office-condominium complex, a revised plan, which indicates the locations of medical office floor area approved with this use permit shall be provided to the Planning Division to include in the use permit file.
4. The total number of parking spaces provided for all uses on site will be consistent with requirements of the Zoning Code.
5. Minor Use Permit No. UP2012-019 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
6. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
7. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
8. The Zoning Administrator may add to or modify the Conditions of this Use Permit approval; or they may revoke this permit should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
9. Any expansion in area approved for medical office use shall require an amendment to this Use Permit or the processing of a new use permit.

10. Fair share fees to convert square footage from general office to medical office use shall be calculated at plan check and paid prior to building permit issuance.
11. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
12. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Birch Heights Professional Condominiums Minor Use Permit** including, but not limited to **UP2012-019 (PA2012-112)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

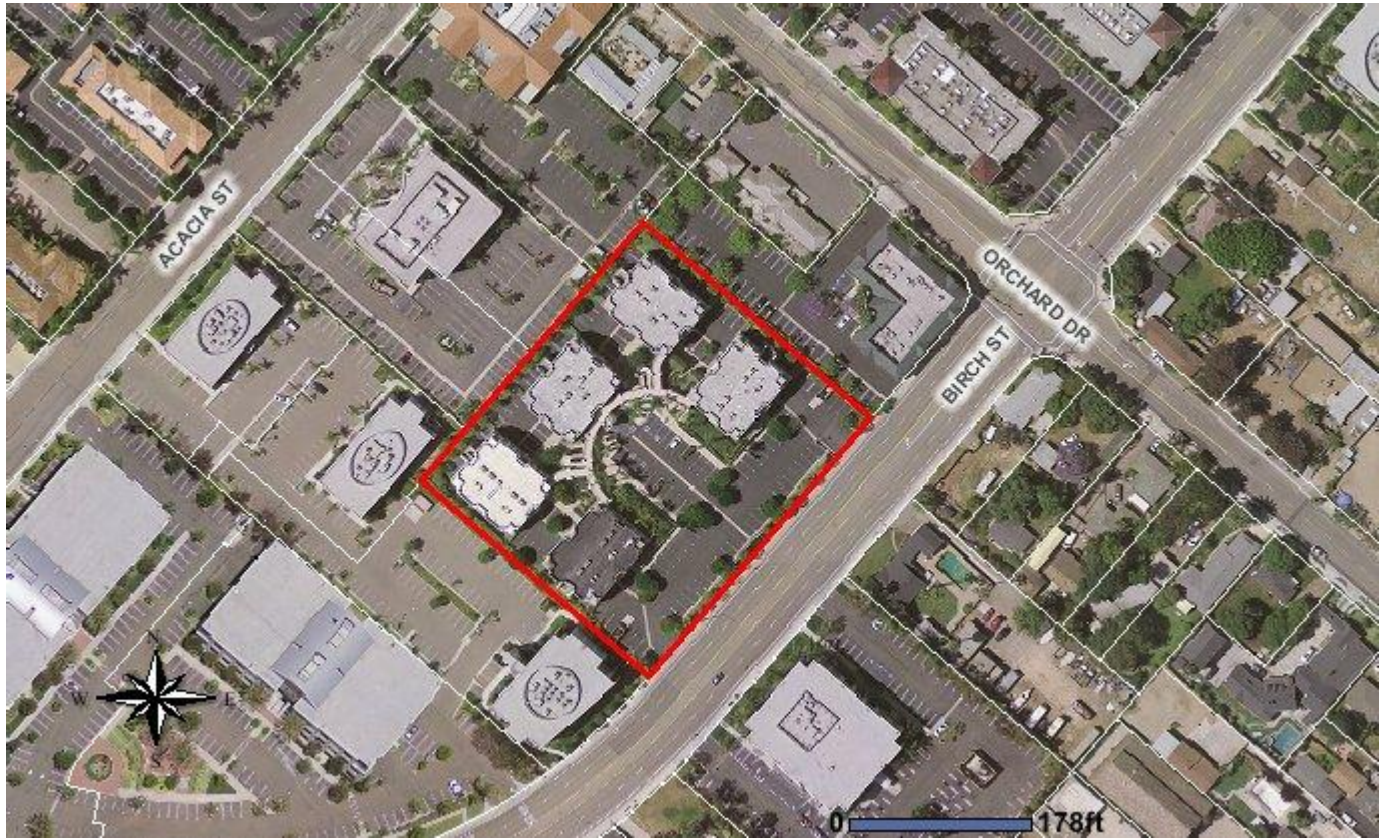
Building Division Conditions

13. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Minor Use Permit No. UP2012-019
PA2012-112

20311 SW Birch Street

Attachment No. ZA 3

Use Permit UP2005-024



PLANNING DIRECTOR'S USE PERMIT NO. UP2005-024
(PA2005-111)

CITY OF NEWPORT BEACH
PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92663
(949) 644-3200 FAX (949) 644-3229

Staff Person: Javier S. Garcia, 644-3206
Appeal Period: 14 days after decision

June 24, 2005

Semira Bayati, M.D.
1501 Superior Avenue, Suite 111
Newport Beach, CA 92663

Application: Use Permit No. UP2005-024 (PA2005-111)

Applicant: Semira Bayati, M.D.

**Address of
Property Involved:** 20311 Birch Street

Legal Description: Parcel 1 of PM- 268/37-39

Request as Approved:

To allow the utilization, of a portion of the approved office building, to accommodate up to 5,000 square feet of medical office use. The remaining 41,175 square feet (this is the remaining office area located on-site) shall remain dedicated to general office only. The existing Use Permit, approved by the County of Orange, authorized general office use only, and it made no provision for medical office or other non-general office use. This approval will allow the establishment of the above-referenced use by review and approval from the Planning Director up to the maximum square footage specified. This approval will not authorize any other use (general office and limited medical office use) within the building or buildings without prior approval of an amendment to this use permit. No parking waiver is proposed, since the Code-required parking can and will be provided on-site by re-striping the existing parking lot prior to implementation of the medical office use. The property is located in the SP-7 (Santa Ana Heights Specific Plan Area) District.

Director's Action: **Approved June 24, 2005**

In approving this application, the Planning Director analyzed the proposal with regard to compliance with the Land Use Element of the General Plan, Zoning Code Compliance (specifically, Chapter 20.44, Santa Ana Height Specific Plan Area, BP District regulations), proposed uses (excluded and area restricted) and the parking requirements. The discussion can be found in the attached appendix.

In this case, the Planning Director determined that the proposal, with the limitation on the mix of uses and requirement to conform to the Zoning Code-specified parking regulations (Chapter 20.66), would not be detrimental to persons, property or improvements in the neighborhood. In addition, the approval of the Use Permit would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code based on the following findings:

FINDINGS:

1. The property is designated for "Administrative, Professional and Financial Commercial" use by the Land Use Element of the General Plan and the Santa Ana Heights Specific Plan Area Business Park District regulations. The proposed mix of uses is consistent with those designations.
2. This project has been reviewed, and it has been determined categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities) and Class 5 (Minor Alterations in Land Use Limitations).
3. The approval of Planning Director's Use Permit No. **UP2004-037 (PA2004-218)** will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the city for the following reasons:
 - Adequate on-site parking is provided and available for the existing and proposed mix of uses.
 - The proposed mix of general office and medical/dental office uses will not create an intensification of trip-generation rates that require a Traffic Phasing Ordinance Analysis. However, in the future, if the mix of uses increases the trip-generation characteristics or exceeds the threshold limit of the Traffic Phasing Ordinance, appropriate analysis will be required prior to authorization of such change or increase in the mix of uses and will require an amendment to this use permit.
4. The approval of Planning Director's Use Permit No. **UP2004-037 (PA2004-218)** is consistent with the purpose and intent of the Santa Ana Heights Specific Plan Area District based on the following reasons:
 - The proposed project is a well-planned business park and commercial development which is adequately buffered from the adjacent residential neighborhood.
 - The business park and residential traffic are separated to the maximum extent possible, since the subject property is located on a block that is bounded on the north, south, east and west by Business Park designated properties and does not abut any Residential Equestrian (REQ) designated property.
 - The proposal to establish a mix of proposed uses does not alter or diminish the overall aesthetic character of the community.

5. Compliance with all other applicable regulations of the Municipal Code, more specifically Chapter 20.66 Parking Requirements, will be required and enforced.

CONDITIONS:

1. The development and mixture of permitted uses shall be in substantial conformance with the approved footage limitation plan.
2. The maximum square footage devoted to medical/dental use shall not exceed 5,000 square feet. The minimum area devoted to general office use shall not be less than the remainder of the floor area of the subject building and the other buildings on-site unless an amendment to this use permit is first approved.
3. The use permit authorizes general office uses and medical/dental uses, except any other uses which the Planning Director finds consistent with the purpose and intent of this use permit as a medical/dental or general office use.
4. Any changes to the existing parking lot configuration shall be subject to further review by the City Traffic Engineer for the on-site parking, vehicular circulation and pedestrian circulation systems.
5. All applicable parking requirements of Chapter 20.66 of the Newport Beach Municipal Code shall apply and be enforced (including parking at a rate of one space for each 200 gross square feet of floor area devoted to medical office use).
6. Employees shall park on-site at all times.
7. No temporary "sandwich" signs, balloons or similar temporary signs shall be permitted, either on-site or off-site, to advertise the proposed food establishment, unless specifically permitted in accordance with the Sign Ordinance of the Municipal Code. Temporary signs shall be prohibited in the public right-of-way, unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.

Standard City Requirements:

1. All signs shall conform to the provisions of Chapter 20.44, Santa Ana Heights Specific Plan and applicable sections of Chapter 20.67 of the Newport Beach Municipal Code, unless otherwise approved by the Planning Commission or the City Council in accordance with the provisions of the Municipal Code.
2. As specified by the Uniform Building Code, the facility shall be designed to meet exiting and fire protection requirements and be subject to review and approval by the Building Department.
3. The project shall comply with State Disabled Access requirements.

4. The Planning Director or the Planning Commission may add to or modify the Conditions of this Use Permit approval, or they revoke this permit upon a determination that the operation (which is the subject of this approval) causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
5. This approval shall expire unless exercised within 24 months from the end of the appeal period, in accordance with Section 20.91.050 of the Newport Beach Municipal Code.

Appeal Period

The decision of the Planning Director may be appealed by the applicant or any interested party to the Planning Commission within 14 days of the date of the decision. Any appeal filed shall be accompanied by a filing fee of \$975.00.

PATRICIA L. TEMPLE, Planning Director

By 
Senior Planner Javier S. Garcia, AICP

Attachments: 1. Appendix
 2. Vicinity Map
 3. Site Plan and Floor Plan
 4. Letter from Santa Ana Heights
 Project Advisory Committee

property owner
Semira Bayati, M.D.
1501 Superior Avenue, Suite 111
Newport Beach, CA 92663

Appeared
in Opposition: None

Copy:
Code Enforcement Officer

Appeared
in Support: None

APPENDIX

General Plan Compliance

The general plan designates the property for Administrative, Professional and Financial Commercial. Per the Land Use Element (LUE), medical offices and general commercial office uses are allowed within the APF designation.

Discussion

The subject-property project is comprised of a single parcel developed with five buildings and located within the BP (Business Park) District on Birch Street, a parcel away from the General Commercial (GC) District of the Santa Ana Heights Specific Plan Area (SAH) and does not abut any Residential Equestrian (REQ) District.

The Use Permit for the existing building, approved by the County of Orange, authorized general office use only. Medical, dental and a limited range of retail uses are permitted within the BP zone subject to the approval of a Use Permit by the Planning Director. This approval would allow the establishment of the above-referenced medical/dental office uses by separate review and approval by the Planning Director through Planning Department personnel, up to the maximum square footage authorized by this approval, without the necessity to file a new use permit application. Future uses would be reviewed by the Planning Department for compliance with all applicable codes and ordinances including the General Plan, the BP District of SAH Specific Plan Area and parking requirements established by the Zoning Code.

Zoning Compliance

The BP District is established to provide for the development and maintenance of professional and administrative offices, commercial uses, specific uses related to product development and limited light industrial uses. Attention is generally given to the protection of the nearby residential uses through regulation of building mass and height, landscape buffers, and architectural design features.

The following excerpt from the Zoning Code Section 20.44.050 lists the permitted uses allowed in the Business Park District of the Santa Ana Heights Specific Plan Area. As listed, each use requires the approval of a Use Permit issued by the Planning Director. The applicant's request will allow a limited mix of office and medical/dental office uses with the establishment of maximum square footage for medical/dental uses within the project (Item I below, subject to review and approval by the Planning Director to determine compliance with the intent of this use permit). The request will also eliminate the necessity for future use permit applications for each individual medical/dental office use that remains within the proposed footage limitations and within the subject building.

20.44.050 Business Park District: SP-7 (BP)

June 24, 2005

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B. Principal Uses Permitted.

1. The following principal uses are permitted subject to the approval of a use permit by the Planning Director per Chapter 20.91:
 - a. Professional and administrative offices.
 - b. Financial institutions.
 - c. Civic and government uses.
 - d. Office-serving commercial uses, including restaurants, located within a building primarily devoted to office uses.
 - e. Communication transmitting, reception or relay facilities.
 - f. Public/private utility buildings and structures.
 - g. Blueprinting, reproduction and copying services.
 - h. Message, mail and delivery services.
 - i. **Medical and dental offices.**
 - j. Retail businesses.
 - k. Service businesses.
2. The following principal uses are permitted subject to the approval of a use permit by the Planning Commission per. per Chapter 20.91:
 - a. Restaurants subject to the following:
 - (1) Not permitted adjacent to REQ lots.
 - (2) No live entertainment.
 - (3) No dancing.
 - b. Automobile rental agencies not permitted adjacent to REQ lots.
 - c. Commercial recreation.
 - d. Assembly of components or finished products.
 - e. Research, testing and development laboratories.
 - f. Any other uses which the Planning Commission finds consistent with the purpose and intent of this district.

Fire Department Concerns

The Fire Department and the Building Department have both commented on the exiting and handicap accessibility requirements for medical uses and that the existing stairs and elevator may have to be upgraded to comply. The applicant has been made aware of those concerns and will be responsible for addressing issues related to exiting and handicap access requirements.

Proposed and Excluded Uses

The applicant has submitted the request to allow a portion of the existing general office building to be utilized for medical/dental office use. The applicant has not proposed to provide entitlement for any other uses, other than medical/dental office, with this use permit application.

Therefore, it is recommended and this approval is conditioned so that the medical/dental office uses are authorized by this approval. All other uses are excluded and will require additional review and approval of a Use Permit approved by the Planning Director or the Planning Commission, as applicable.

Proposed Use Limitations

In order to be consistent with the General Plan and the Santa Ana Heights Specific Plan Area regulations, staff has reviewed the implications of an established mix of general office and medical/dental office as described in the table below. The medical office use and the general office uses are expressed as maximum and minimum limitations in order to comply with the provisions of the Traffic Phasing Ordinance. The proposed use limitations will allow medical use up to and not to exceed 5,000 square feet. The Planning Department will monitor the individual tenant improvement plans issued by the Building Department to maintain the mix of uses within the permitted maximums or allowances.

Proposed Mixture of Uses

Maximum Medical Office Allowed	5,000.00 square feet
General Office Minimum (minimum area required)	43,352.00 square feet
General Office (Credited Conversion as a negative number)	-5,000.00 square feet

Santa Ana Heights Project Advisory Committee (SAHPAC)

The SAHPAC has had an opportunity to review the proposed project and has no objections to the concept of the list of uses that are consistent with the list of permitted uses under 20.44.050 B 1.

It should be noted that the authority to review and approve a use permit is expressed in both the City's SAH Specific Plan Regulations (Chapter 20.44) and the former County version of the same document. Staff is of the opinion that the list and mix of uses proposed by this use permit are consistent with the intent of the Ordinance.

Parking Requirement

Based on a review of the floor plans of the existing building, it has been determined that the project was constructed with a parking ratio of 1 space per 250 square feet of gross floor area. There are currently 190 on-site parking spaces to serve the 5,081 gross square foot second floor of the subject building. Based upon current standards, off street parking requirements for the uses proposed by this permit are as follows:

General Office Use	1 per 250 square feet of net floor area
Medical and Dental Office Use	1 per 200 square feet of gross floor area

Based on current standards, the maximum possible parking ratio for the uses approved under this permit would be 1 space per 250 square feet of gross floor area. Since the building was constructed with a parking ratio of 1 space per 250 square feet of gross floor area, any possible combination of uses under this permit would have to be addressed individually. Future uses up to the 5,000 square foot allocation for medical/dental office use will be reviewed by the Planning Department to ensure compliance with parking requirements.

The parking requirement for medical/dental office use recently increased to one space for each 200 square feet of gross floor area. The change requires that the parking lot be modified to increase the number of on-site parking spaces to meet the increased parking requirement. This will require further analysis of the parking requirement based on the amount of general office and medical/dental office area calculations. The maximum additional parking required -based on the build-out of 5,000 square feet- would be 5 additional parking spaces

Traffic Phasing Ordinance

The Traffic Phasing Ordinance requires that a traffic study be prepared for any project generating over 300 trips. The maximum trip-generating use that would be approved under this permit would be medical or dental office. The maximum amount of medical, dental that could theoretically be approved under this permit would be an aggregate of 5,000 square feet. Trips generated by the proposed project, based on the proposed mix, would not exceed the 300 trip threshold.

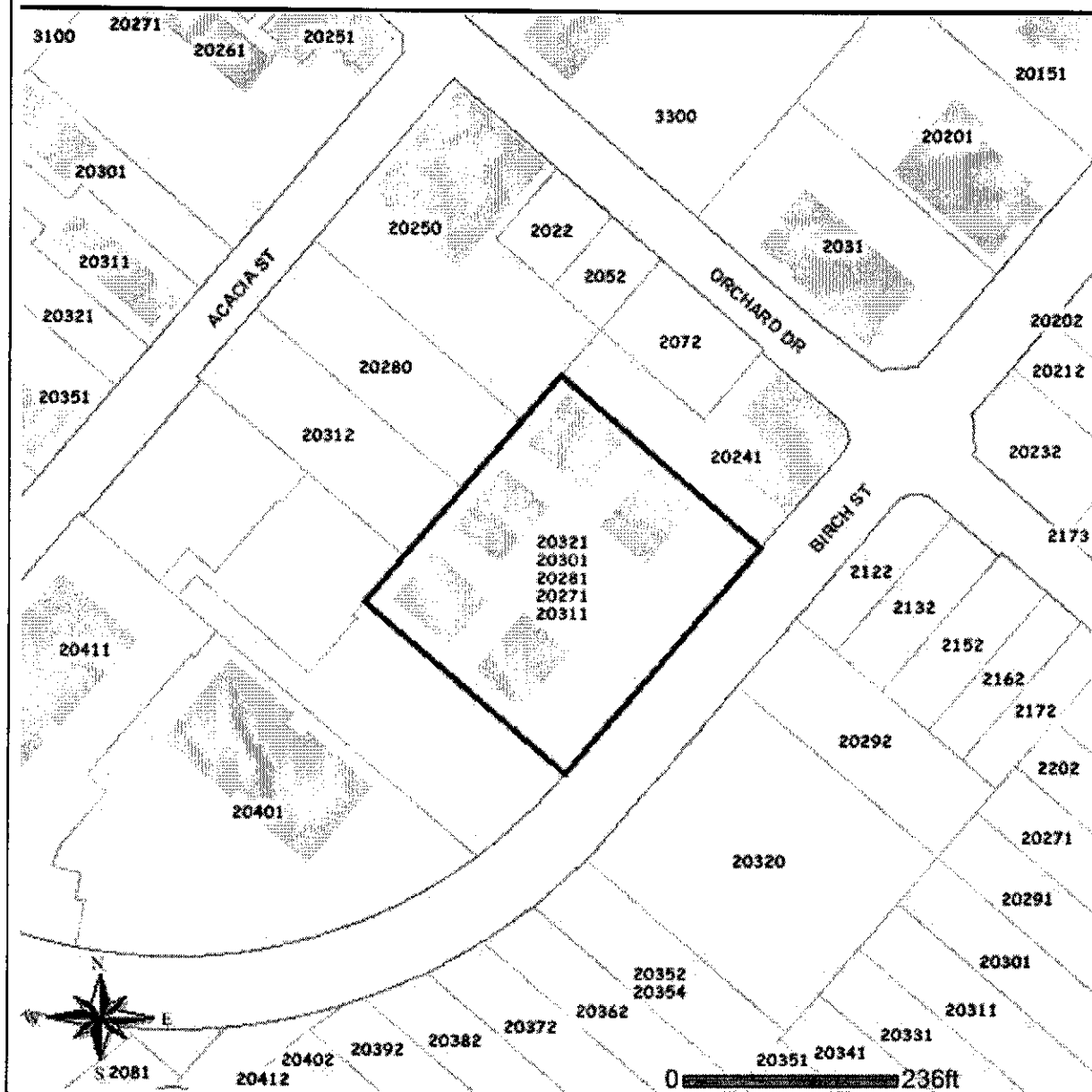
Findings for Use Permit Approval

The primary function of a use permit is to ensure that the proposed use is compatible with surrounding land uses. Per section 20.91.035, the following findings must be made for approval of a Use Permit:

1. The proposed location of the use is in accord with the objectives of this code and purposes of the district in which the site is located.
 - *As stated above, the purpose of the BP zone is "to provide for the development and maintenance of professional and administrative offices, commercial uses, specific uses related to product development and light industrial uses". All uses proposed under this permit are permitted uses in the BP zone subject to approval of use permit.*

2. The proposed location of the use permit and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan and the purpose of the district in which the site is located; will not be detrimental to the public health, safety, peace, morals, comfort, or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the city.
 - *The medical/dental office proposed under this permit will have no significant impact on the health, safety or general welfare of persons residing or working in the district.*
 - *The additional medical/dental office use approved under this permit will be subject to the review and approval of the Planning Department and the Planning Director, where appropriate, to ensure that they will generate no significant impacts on persons or property in the vicinity.*
3. The proposed use will comply with the provisions of this code, including any specific condition required for the proposed use in the district in which it would be located
 - *As stated above, the uses approved under this permit satisfy all required conditions for the zone in which they are located and will comply with all provisions of the zoning code.*

VICINITY MAP



Planning Director's Use Permit UP2005-024
Project No. PA2005-111

Site Address
20311 Birch Street



CITY OF NEWPORT BEACH
COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DEPARTMENT

3300 NEWPORT BOULEVARD

NEWPORT BEACH, CA 92658

(949) 644-3200; FAX (949) 644-3250

Application: ☐ Use Permit No.
☒ Planning Director's
Use Permit No. UP2005024
☐ G.P.A./Amendment No.
☐ Variance No.

☐ PA2005-111
☒ Ruby Batcheller

PART I: Cover Page

PA2005-111 for UP2005-024

20311 BIRCH STREET
Semira Bayati, M.D.

Project Common Name (if applic

FEES: 1185⁰⁰
52-05

APPLICANT (Print):

SEMIRA BAYATI, M.D.

Mailing Address: 1501 SUPERIOR AVE.
SUITE 111

NEWPORT BEACH, CA. 92663

Phone: (949) 650-9360 Fax (949) 650-9390

CONTACT PERSON (if different):

STEVE FALK, A.I.A.

Mailing Address: 17780 FITCH ST.
SUITE 235

IRVINE, CA. 92614

Phone: (949) 955-1995 Fax (949) 955-1996

Property Owner (if different from above):

SAME

Mailing Address:

Phone: ()

Fax ()

PROJECT ADDRESS: 20311 S.W. BIRCH ST., NEWPORT BEACH
92660

Project Description (If applying for a variance, also complete attached form for required findings.):

USE PERMIT FOR MEDICAL OFFICES ON
SECOND FLOOR OF BUILDING "B"

PROPERTY OWNER'S AFFIDAVIT

(I) (We) SEMIRA BAYATI, M.D. depose and say that (I am) (we are) the owner(s) of the property(ies) involved in this application. (I) (We) further certify, under penalty of perjury, that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature(s)

[Signature]

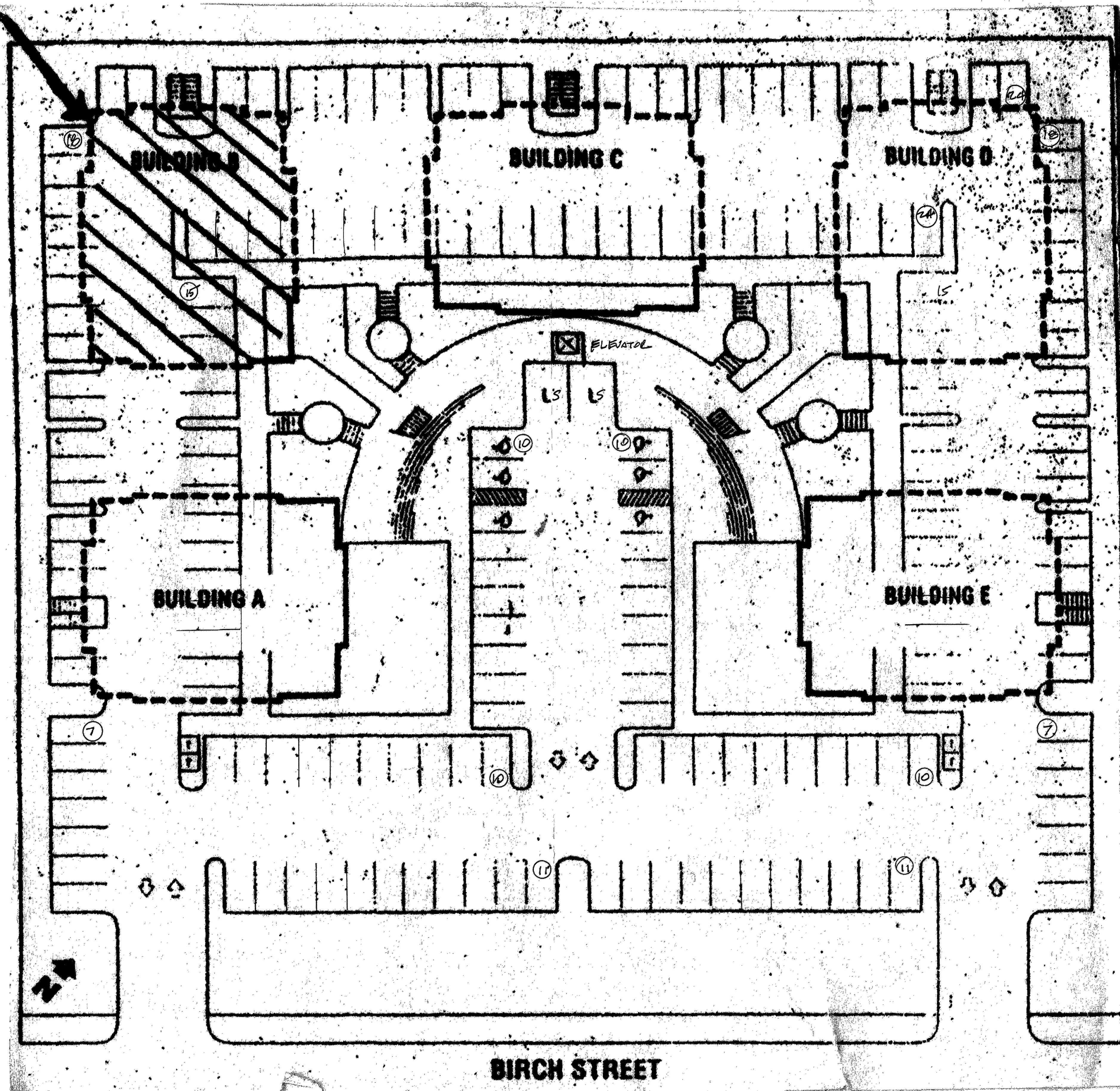
PAID

MAY 06 2005

NOTE: An agent may sign for the owner if written authorization from the record owner is filed with the application.

CITY OF NEWPORT BEACH

THIS PROJECT
2ND FLOOR



BIRCH STREET

SITE PLAN ~ 1" = 20'-0"



APPROVED BY:

EMS for JLG

Planning Director Zoning Administrator
Planning Commission City Council

☒ As Submitted ☐ As Modified

Refer to: Resolution ☒ Approval Letter

of Pgs Approved: 2 Date: 6/24/05

SITE DATA

BUILDING "B" ~ SECOND FLOOR
GROSS FLOOR AREA 5,081 S.F.
LESS PORCHES 506 S.F.
NET USABLE 4,575 S.F.
4,575 ÷ 200 S.F./CAR = 23 CARS

ALL BUILDINGS
10 FLOORS (3 BLDGS) @ 4,575 S.F. = 45,750 S.F.
45,750 - 4,575 (NON-MEDICAL) 41,175
41,175 ÷ 250 = 165 CARS
4,575 ÷ 200 = 23 CARS
TOTAL REQUIRED: 188 CARS
TOTAL PROVIDED: 190 CARS

FILE COPY

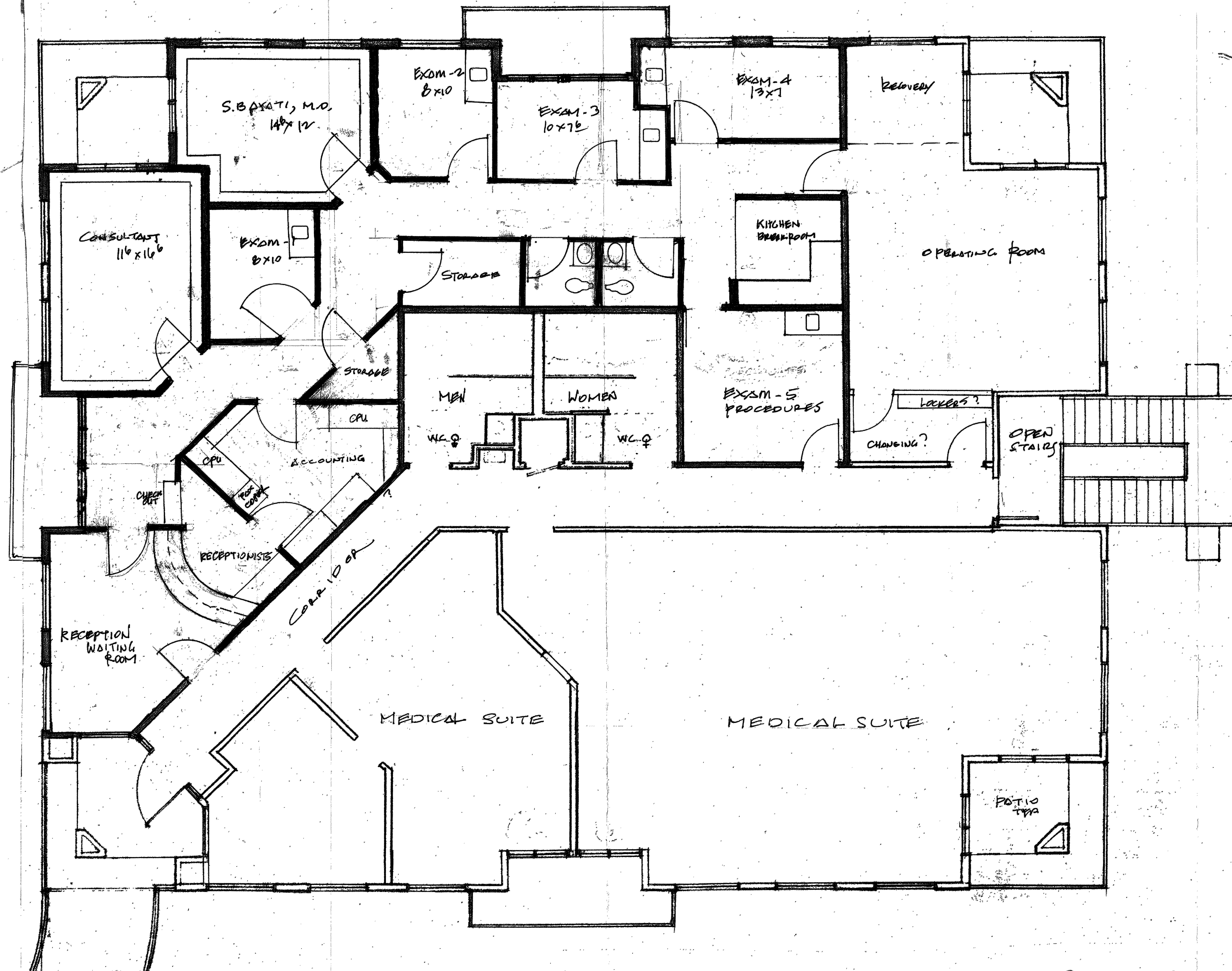
REVISIONS	BY

STEVE E.A. FALK, A.I.A.
ARCHITECT
17780 FITCH STREET, IRVINE, CA 92614
TEL: 949-955-1995; FAX: 949-955-1996

MEDICAL OFFICES FOR
SEMIRA BAYATI, M.D.
20311 S.W. BIRCH STREET, NEWPORT BEACH, CA

Date	
Scale	
Drawn	
Job	0510
Sheet	1
Sheets	

PA2005-111 for UP2005-024
20311 BIRCH STREET
DATE OF MEETING: -



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

REVISIONS	BY

STEVE E.A. FALK, A.I.A.
ARCHITECT
17780 FITCH STREET, IRVINE, CA 92614 SUITE 235
TEL: 949-955-1995; FAX: 949-955-1996

MEDICAL OFFICES FOR
SEMIRA BAYATI, M.D.
20311 S.W. BIRCH STREET, NEWPORT BEACH, CA

Date
Scale
Drawn
Job 0510
Sheet
Of 2 Sheets

MAY 05 2004

Attachment No. ZA 5

Project Plans



PBA
PETER BRANDOW, AIA, ASLA
& ASSOCIATES
LANDSCAPE ARCHITECTS
20301 SW BIRCH STREET, SUITE 102
NEWPORT BEACH, CA 92660-1754
(949) 261-0066 Fax: (949) 261-0064
email: pbrandow@PBA.com
Lic.# 1287 & C-6445

**BIRCH HEIGHTS PROFESSIONAL
CONDOMINIUM ASSOCIATION
20311 Southwest Birch Street, First Floor
Newport Beach, California 92660-1754**

Issue Date: 18 August 12
PROJECT
BIRCH HEIGHTS Prof. Condo Association
20311-0000 SW, Birch Street
Newport Beach, CA 92660-1754

DESCRIPTION
**PROJECT
SITE PLAN**

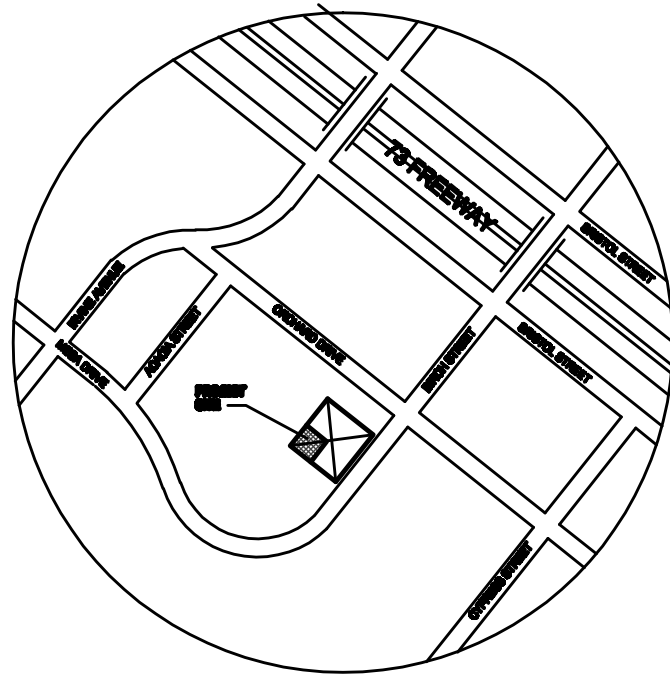
SHEET
1

MINOR USE PERMIT:
Alice Pickett
3322 Mesa Vista Dr.
Dana Point, CA 92629
949-240-9220 x1213

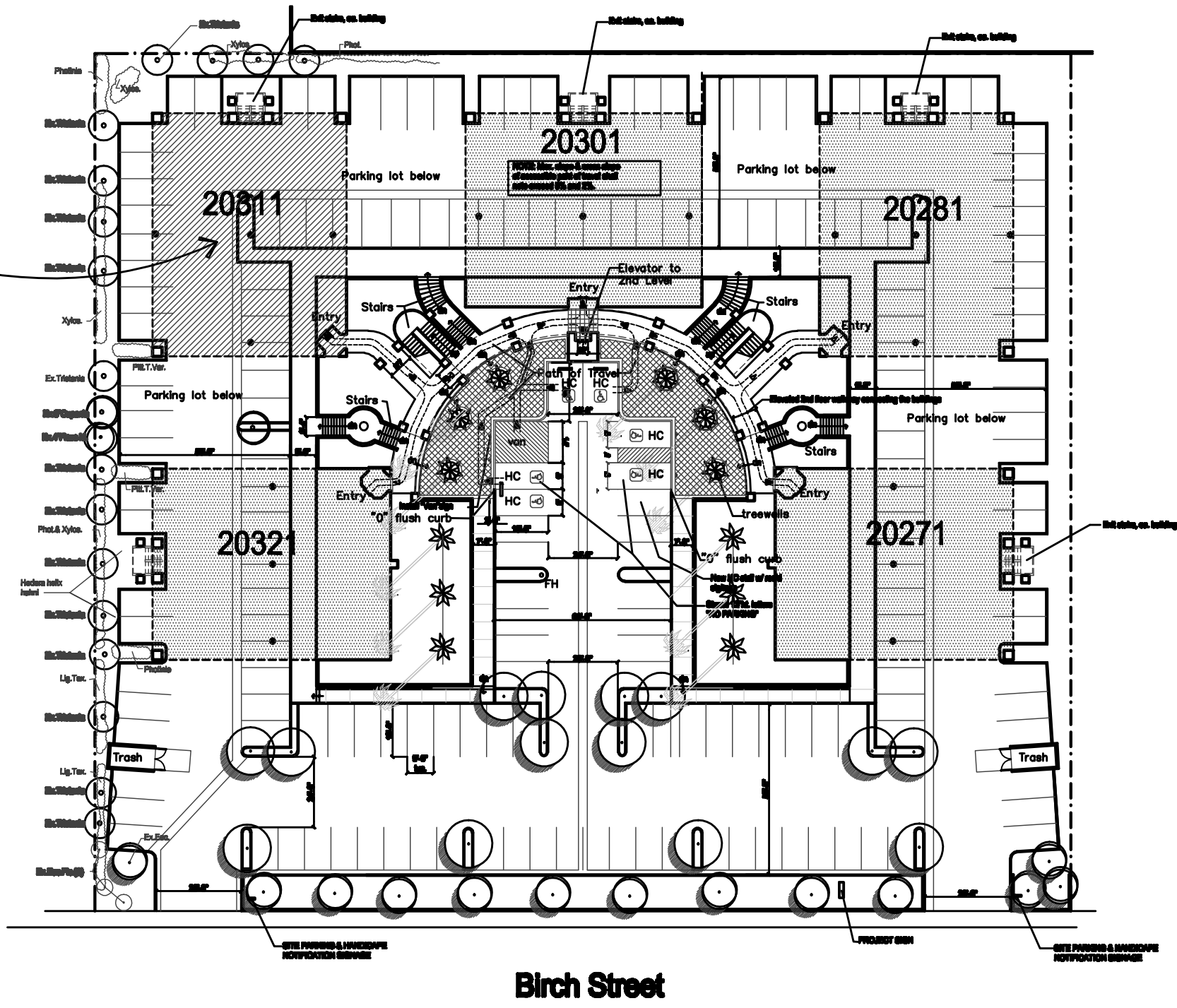
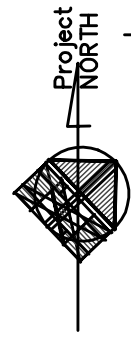
SUBJECT PROPERTY: Bldg. 20311
First Floor: 5080 sq. ft.

EXISTING PROVIDED PARKING
Existing
PARKING SUMMARY:
164 Cars
8 H.C.
168 total parking
BUILDING DATA: (since 1990-02)
+ Two Story w/ truck under parking
+ Sprinkled
+ Type 5 w/ structural oil. frame

Handicapped Parking provided as required
Blue striped stalls w/ blue bumpers, signs
and textured Mats and Domes along path of
travel.



VICINITY MAP
NTS



EXISTING SITE PLAN
SCALE: 1" = 200'

NOTE: This is NOT a survey.
All information obtained by site
measurements and observations.

OWNER: BIRCH HEIGHTS PROFESSIONAL CONDOMINIUM ASSOCIATION
% PETER D. BRANDOW, AIA, ASLA, HOA President
20301 SW BIRCH STREET, SUITE 102
NEWPORT BEACH, CA 92660-1754
(949) 261-0066, Fax: (949) 261-0064